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## ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts  
Middlesex, ss

DOCKET NO. 3650

### DECISION Special Permit Under ENVIRONMENTAL DESIGN REVIEW

Applicant: 190 & 192-200 Massachusetts Ave. LLC, 455 Massachusetts Avenue, Suite 1,  
Arlington, MA, 02474

Property Address: 190 & 192-200 Massachusetts Avenue, Arlington, Massachusetts 02474

Hearing Dates: January 23, and February 27, 2023

Date of Decision: February 27, 2023

20 Day Appeal Period Ends: April 3, 2023

Members  
Approved

Rachel Zumbro  
Stephen D. Boudreau

Opposed

Eugene B. Benson

Town Clerk's Certification

Date

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**Town of Arlington, Massachusetts  
Redevelopment Board**

730 Massachusetts Avenue, Arlington, Massachusetts 02476

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**DECISION OF THE BOARD**

**Special Permit and Environmental Design Review Docket #3650**

**190 & 192-200 Massachusetts Avenue, Arlington, MA 02474**

**190 & 192-200 Massachusetts Ave, LLC**

**February 27, 2023**

This Decision applies to Environmental Design Review Special Permit #3640 granted to 190 & 192-200 Massachusetts Ave, LLC, 455 Massachusetts Avenue, Suite 1, Arlington, MA, to construct a mixed-use building containing retail and 30 residential units, including 5 affordable units, at 190 & 192-200 Massachusetts Avenue, Arlington, MA in the B3 Village Business District. The proposed building will be a four-story mixed-use structure. The 30 residential units are a mix of studios, one-bedrooms, and two-bedrooms. Five affordable units, or 16% of the total units, are provided. The building includes ground floor commercial space divided into two units. Parking is provided onsite in a ground level and subterranean garage with 26 vehicular parking spaces and 54 (48 long term and 6 short term) bicycle parking spaces. The Redevelopment Board reviewed and approved an Environmental Design Review Special Permit in accordance with the provisions of MGL Chapter 40A Section 11, and the Town of Arlington Zoning Bylaw Section 3.3, Special Permits, and Section 3.4, Environmental Design Review.

A public hearing was held on January 23, 2023, and February 27, 2023. Under Massachusetts General Law, Chapter 40A Section 9, a simple majority vote (3 of 5 members) is sufficient to approve the project, as it includes a mixed-use development in a center of commercial activity and at least 10% of the housing units provided are deed-restricted affordable housing.

**VOTE:** The ARB voted (3-1) to approve Docket #3650 on February 27, 2023.

Materials submitted for consideration of this application include:

- Application for EDR Special Permit, including an Environmental Impact Statement;
- Site Development Plan Set, prepared by Allen & Major Associates, Inc, dated December 19, 2022;
- Architectural Drawing Set, including floor plans, elevations, renderings and a solar study, prepared by David Barsky Architect, dated October, 2022, and updated January 16, 2023;

- Architectural Drawing Set indicating location of affordable housing units, dated October 2022;
- Drainage Summary Letter, prepared by Allen & Major Associates, dated December 19, 2022;
- Soil Resource Report, prepared by the Natural Resources Conservation Service, dated August 28, 2020;
- LEED Checklist.
- Document indicating responses to ARB requests from January 23, 2023, hearing;
- Updated application forms, including parking and dimensional form;
- Updated site plan set, dated February 17, 2023;
- Updated floor plans and renderings;
- Layout and materials plan, revised February 17, 2023;
- Specifications for indoor bicycle parking racks and outdoor wall sconces; and
- Correspondence from Don Seltzer (104 Irving St), Cheryl Marceau (Cleveland St), Lauren Swisher and Craig Pollard (6 Egerton Rd), Jonathan Spiller, and Lara Curtis (5 Cleveland St).

The following criteria have been met, per Section 3.3.3, Arlington Zoning Bylaw:

1. Mixed-use is allowed by Special Permit in the B3 Village Business District. The Zoning Bylaw, in Section 5.5.1.D, indicates that the district's predominant uses include retail, service, and office establishments catering to both convenience and comparison-good shoppers and oriented to pedestrian traffic. Mixed-use buildings are allowed and encouraged, including in the principal business area at Lake Street and Massachusetts Avenue. Mixed-use is a combination of two or more distinct land uses, such as those proposed by this owner, and the definition encourages such uses to be in a single, multi-story structure, such as that proposed by the owner.
2. The requested use is essential and desirable and advances the Arlington Master Plan and Housing Production Plan goals and strategies.
3. The project includes 26 parking spaces for cars, including one ADA van-accessible parking space and five compact spaces six EV charging spaces, and 54 parking spaces for bicycles, 48 long-term spaces and six short-term outdoor spaces. The sidewalks along the Lake Street, Chandler Street, and Mass Ave façades will be reconstructed as part of the project, and a new bench will be provided near the MBTA bus stop.
4. The development will meet stormwater design standards, including a new connection that collects stormwater from the roof and directs into the drainage system in the street. In addition, a modest amount of landscaped areas will be added to the site and new street trees will be provided, resulting in a reduction of impervious area and quantity of stormwater flowing from the site.
5. The development will need to meet the Arlington Zoning Bylaw Special Regulation 8.2, which outlines affordable housing requirements. Five (5) affordable units will be required to be representative of the mix of units in the building and made available to

eligible households making up to 70% of the area median income. The units will be equitably dispersed throughout the building.

Separately, the development will meet the requirements of Section 6.3, Public Shade Trees, by providing three additional street shade trees along Massachusetts Avenue and three street shade trees along Chandler Street, and by making a financial contribution to the Arlington Tree Fund in lieu of two street trees on Lake Street, which cannot accommodate street trees at the location due to the narrow width of the sidewalk and overhead utilities.

6. The use does not impair the integrity or character of the neighborhood. The mixed-use building is in keeping with adjacent land uses in the Capitol Square area. New residential units will not impair the integrity or character of the district, and it will not be detrimental to health or welfare. The building is consistent with the Design Standards for the Town of Arlington.
7. The use will not be in excess or detrimental to the character of the neighborhood.

The following criteria have been met, per Section 3.4.4, Arlington Zoning Bylaw:

**1. EDR-1 Preservation of Landscape**

The existing property is entirely impervious and there is no natural landscape to preserve with the building fully saturating the building lot. The project will introduce approximately 798 square feet of 7.5 foot wide landscaped buffer at the rear of the site, and perennial plantings, trees, and shrubs will be planted along the streetscape. The fourth story step-back will be a green roof. A new public plaza will be created at the intersection of Mass Ave and Lake Street.

**2. EDR-2 Relation of the Building to the Environment**

The development is in the B3 Village Business District, which is the dominant zoning district in Capitol Square. Building heights in the vicinity range from single-story to six-story. As the Town's Design Standards indicate, greater height in certain locations can be beneficial. The proposed building step-back helps to diminish the impact of overall building height. The ground floor and upper stories present a cohesive façade.

The project meets the standards for transparency and access as defined in Section 5.5.2(B)(4). The Lake Street, Chandler Street, and Mass Ave façades feature an appropriate level of architectural detailing and include large commercial windows to provide ground floor transparency. The ground floor storefronts on Mass Ave and Lake Streets have clearly defined entrances, and the lobby entrance for the residential uses on the upper floors is distinct from the retail entries.

**3. EDR-3 Open Space**

The project will add areas of landscaping to an existing impervious site, including approximately 798 square feet of landscaped open space along the rear of the building, which also provides a buffer with the adjacent building at 8 Lake Street. The Board found that the 7.5



foot landscaped buffer was sufficient. A public plaza will be located at the corner of Mass Ave and Lake Street, providing additional usable open space. The Board granted relief from usable and landscaped open space requirements per Section 5.5.2.B; open space is increased over the current nonconforming condition.

The building is on a corner lot with three street-fronting façades. The Board adjusted the required building setbacks per Section 5.3.16.

**4. EDR-4 Circulation**

The development includes 26 spaces for vehicles located on the ground floor and below-grade garage, including one HP van-accessible space and six EV charger spaces. All parking spaces are reserved for residents of the building. The development also includes 54 indoor and outdoor bicycle parking spaces. As the development is highly accessible by transit, bike, and walking, the Board granted relief from the required number of parking spaces, contingent on the owner submitting the required Transportation Demand Management Plan per Section 6.1.5 to be reviewed and approved administratively by the Department of Planning and Community Development (DPCD). Requiring loading areas for the commercial spaces and moving trucks, the owner shall work with the Select Board to request a loading zone area on Chandler Street.

**5. EDR-5 Surface Water Drainage**

The application materials, drainage summary letter, and site development plan show a new connection to carry roof runoff to the drainage system in the street. This is an improvement over the existing conditions. The development complies with the Town's current stormwater bylaw. Final design materials must be submitted for review and approval by the Town Engineer.

**6. EDR-6 Utilities Service**

All new utility service will be underground.

**7. EDR-7 Advertising Features**

The application materials show representative signs on the commercial storefront. Any future signage will be subject to review by the Department of Planning and Community Development, and possibly the Redevelopment Board, prior to the issuance of a sign permit.

**8. EDR-8 Special Features**

The roofing plan provided indicates that roof structures are appropriately set back and that a parapet and additional screening will provide screening of said structures. An enclosed trash and recycling area is located in the garage parking. The existing businesses currently utilize on-street parking for truck loading and unloading and for service deliveries; the owner will work with the Select Board to request a signed loading zone on Chandler Street for deliveries and moving trucks.

**9. EDR-9 Safety**

The development meets all relevant health and safety codes.

**10. EDR-10 Heritage**

Neither the former bank building nor the rest of this commercial block are listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington* nor are they under the jurisdiction of the Arlington Historical Commission. As such, the site contains no historic, traditional, or significant uses, structures, or architectural elements.

**11. EDR-11 Microclimate**

There will be no adverse impacts on air and water resources or on temperature levels of the immediate environment.

**12. EDR-12 Sustainable Building and Site Design**

The proposed building generates a LEED score that demonstrates the building could be LEED certified. Solar panels covering more than 50% of the roof area will be installed.

The Board makes the following findings in this Decision:

1. The project is consistent with Environmental Design Review per Section 3.4 of the Zoning Bylaw and Special Permit decision criteria per Section 3.3 of the Zoning Bylaw.
2. The front yard setbacks on Lake Street and Chandler Street and the setback on the non-street frontage side of the building are appropriate per Section 5.3.16.
3. The proximity of the property to non-automotive transit resources, removal of the originally proposed tandem spaces, and agreement to work with staff to finalize the Transportation Demand Management plan justify the parking reduction per Section 6.1.5.
4. The setback as measured from the lot line is approved.
5. Five compact parking spaces are approved per Section 6.1.11(C)(11).
6. The usable and landscaped open space plans are appropriate.
7. The two trees on Lake Street that are not being provided shall instead be supplemented with a payment to the Arlington Tree fund in the amount of the fair market value of the two trees per Section 6.3.4(E) and Section 6.3.5.

The redevelopment must adhere to the following general conditions:

1. The final design, sign, exterior material, landscaping, and lighting plans shall be subject to the approval of the Arlington Redevelopment Board or administratively approved by the Department of Planning and Community Development. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions, or modify these conditions as it deems appropriate in order to protect the public interest and welfare.

4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with Article 30 of Town Bylaws.
6. The Applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development. The applicant shall provide evidence that a final plan for drainage and surface water removal has been reviewed and approved by the Town Engineer.
7. Upon installation of landscaping materials and other site improvements, the Applicant shall remain responsible for such materials and improvement and shall replace and repair as necessary to remain in compliance with the approved site plan. As required by Section 6.3.4, all new trees shall be maintained in accordance with American Standard for Nursery Stock standards for a period of no less than 36 months from the date of planting.
8. All utilities serving or traversing the site (including electric, telephone, cable, and other such lines and equipment) shall be underground.
9. Upon the issuance of the building permit the Applicant shall file with the Building Inspector and the Department of Community Safety the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.
10. Building signage will be filed with and reviewed and approved by the Department of Planning and Community Development and Inspectional Services.

The redevelopment must adhere to the following special conditions:

1. The owner will work with the Department of Planning and Community Development (DPCD) to comply with all requirements of Section 8.2, Affordable Housing Requirements.
2. The affordable units must be equitably dispersed throughout the building and shall be comparable to market-rate units in terms of location, quality and character, room size, number of rooms, number of bedrooms, and external appearance.
3. An Affordable Housing Deed Restriction shall be executed with the Town prior to issuance of an Occupancy Permit for the eight affordable units.
4. No condominium conversion of said affordable rental units shall be permitted without the express permission of this Board. In the case of a proposed condominium

conversion, Applicant shall work with the DPCD to ensure that the units continue to meet the requirements of Section 8.2.

5. The owner shall submit a full package of exterior building material samples to DPCD for administrative review and approval.
6. The solar panels must be set back sufficiently far from the roof edge to ensure that guard rails are not required.
7. The interior bicycle parking must be protected with an enclosure and controlled access to the parking area.
8. The bicycle racks used for long-term parking must include a mechanical assist; cyclists will not be required to physically lift their bikes to access the upper racks of the bicycle parking.
9. The owner shall provide a payment in lieu of two public shade trees on Lake Street. The payment shall be made to the Arlington Tree Fund in an amount equivalent to the full and fair market value of two street trees.
10. An additional street tree shall be provided on Chandler Street adjacent to the curb cut for the parking garage.
11. The owner will provide a tree protection plan for the existing shade tree on Massachusetts Avenue.
12. The owner shall submit a light fixture schedule to the DPCD for administrative review and approval.
13. A separate permit is required for signage, which was not reviewed as part of this decision.
14. The owner shall endeavor to reach out to a wide range of abutters to discuss demolition and construction details.
15. The owner shall work with the Select Board to request a loading zone on Chandler Street.